

**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL (Small Entity)**

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

First Named Inventor

Examiner •

Docket No.

MUR-3494

 DUPLICATE

(Check Box if applicable)

David B. Smith

N. Moskowitz

Group/Art Unit

3662

*Rec'd  
4/22/99*

Address to:

Assistant Commissioner for Patents  
Box CPA  
Washington, D.C. 20231

**RECEIVED**

APR 22 1999

**GROUP 3600**

This is a request for filing a  continuation or  divisional application under 37 CFR 1.53(d) (continued prosecution application, filed on

08/976,440

November 20, 1997

application (CPA) of prior application number

and entitled:

**TRANSMISSION OF DATA IN BOREHOLES**  
which is a continuation of prior application serial no. 08/813,104; which is a continuation of prior application serial no. 08/687,907;  
which is a continuation of prior application serial no. 08/544,666; which is a continuation of prior application serial no. 08/030,309

1.  Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.

2.  A preliminary amendment is enclosed.

3.  This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).

a.  **DELETE** the following inventor(s) named in the prior nonprovisional application:

04/20/1999 DVUDONG 00000031 08976440  
01 FC:231 380.00 DP

b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4.  A new power of attorney or authorization of agent is enclosed.

5.  Small Entity Status:

a.  A small entity statement is enclosed.

b.  A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.

6.  The fee for this application is calculated as follows:

**CLAIMS AS FILED**

| For   | #Filed | #Allowed | #Extra | Rate      | Fee                              |
|---|--------|----------|--------|-----------|----------------------------------|
| Total Claims                                    | 12     | - 20 =   | 0      | x \$9.00  | \$0.00                           |
| Indep. Claims                                   | 2      | - 3 =    | 0      | x \$39.00 | \$0.00                           |
| Multiple Dependent Claims (check if applicable) |        |          |        |           | \$0.00                           |
|   |        |          |        |           | <b>BASIC FEE</b> \$380.00        |
|   |        |          |        |           | <b>TOTAL FILING FEE</b> \$380.00 |

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.1)**

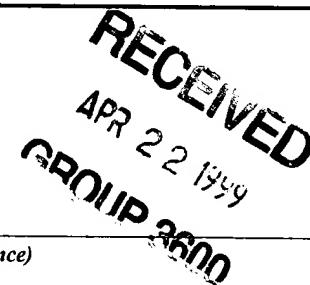
Applicant(s): David B. Smith

Docket No.

MUR-3494

Serial No.  
08/976,440Filing Date  
11/25/97Examiner  
N. MoskowitzGroup Art Unit  
3662

Invention: TRANSMISSION OF DATA IN BOREHOLES

I hereby certify that this **CPA Request Transmittal with related enclosures**  
(Identify type of correspondence)is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under  
37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on  
**April 16, 1999**  
(Date)**Kathleen Libby**

(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

**EL324657259US**

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity)  
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7.  The Commissioner is hereby authorized to credit overpayments or charge the following fees to  
Deposit Account No. 18-0350

- fees required under 37 C.F.R. 1.16.
- fees required under 37 C.F.R. 1.17.
- fees required under 37 C.F.R. 1.18.

8.  A check in the amount of \$380.00 is enclosed.

9.  An Information Disclosure Statement (IDS) is enclosed:

- a.  PTO-1449
- b.  Copies of IDS Citations

10.  Also enclosed:  
**Request for Extension of Time**

11.  The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address  
is provided below:

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity)  
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NOTES

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**FILING QUALIFICATIONS:** The prior application must be a nonprovisional application that is either (1) complete as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or application in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).



Signature

Dated: April 16, 1999

Allan Ratner

*Typed or printed name*

19,717

*Registration Number (if applicable)*

Inventor(s)  
 Assignee of complete interest  
 Attorney or agent of record

cc: